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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8
9 THOMAS GREGORY SHEA,

10 Plaintiff,

Case No. 3:17-CV-00405-RCJ-WGC

11 vs.

12 **ORDER**

13 UNITED STATES OF AMERICA, et al.,

14 Defendants.

15 Plaintiff Thomas Shea files this “motion to re-open case,” requesting the Court make a
16 judicial determination on newly-discovered evidence. (ECF No. 42.) The Court liberally construes
17 this as a motion for relief from a final order under Fed. R. Civ. P. 60. *See* LR 59-1(a) (“Motions
18 seeking reconsideration of case-dispositive orders are governed by Fed. R. Civ. P. 59 or 60, as
19 applicable.”). LR 59-1(b) provides that “[a] movant must not repeat arguments already presented
20 unless (and only to the extent) necessary to explain controlling, intervening law or to argue new
21 facts. A movant who repeats arguments will be subject to appropriate sanctions.”

22 This is the third such motion Plaintiff has filed. (*See* ECF Nos. 32 and 37.) In each of the
23 prior motions Plaintiff argued that he had acquired “new and extraordinary evidence” satisfying
24 Fed. R. Civ. P. 60(b)(2). (ECF No. 32 at 1:12–13; ECF No. 37 at 1:10–13.) In its order resolving

1 the second motion, this Court denied the motion with prejudice, noting that “Plaintiff once again
2 argues that he has acquired ‘new and extraordinary evidence’ without describing or proffering
3 such . . . violat[ing] LR 59-1(b).” (ECF No. 39 at 2:2–5.) In the instant motion, Plaintiff raises the
4 same argument of newly-discovered evidence proving “the most extreme and extraordinary
5 circumstances.” (ECF No. 42 at 1.) However, as the Court previously denied this argument with
6 prejudice, Plaintiff may not bring it again.

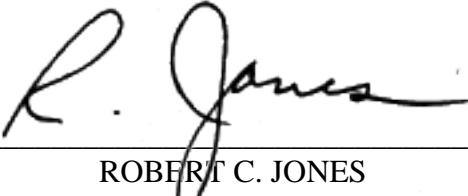
7 Even if the Court did reach the substance of Plaintiff’s motion, it is meritless. The Court
8 did not dismiss Plaintiff’s case for a lack of evidence, but for failing to state a claim, (ECF No. 8),
9 and to comply with the Court’s Order, (ECF No. 26). Thus, even if the Court considered Plaintiff’s
10 evidence, it is not relevant to the reasons why the Court dismissed Plaintiff’s case.

11 **CONCLUSION**

12 IT IS HEREBY ORDERED that Plaintiff’s Motions (ECF No. 42) is DENIED
13 WITH PREJUDICE.

14 IT IS SO ORDERED.

15 Dated July 8, 2020.



17 ROBERT C. JONES
18 United States District Judge
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